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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,475	11/21/2003	Nicholas S. Huslak	030339 (BLL-0117)	3632
36192 7590 05/01/2007 CANTOR COLBURN LLP - BELLSOUTH 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER ROSE, HELENE ROBERTA	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,475

Applicant(s)

HUSLAK ET AL.

Examiner

Helene Rose

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2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/20/2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Prosecution Reopened

1. In response to communications filed on 2/12/2007, no claims have been cancelled; no claims were amended; and no claims have been added. Therefore, claims 1-23 are presently pending in the application.

2. In view of the **Pre-Appeal Brief Request For Review** filed on 2/12/2007, **PROSECUTION IS HEREBY REOPENED**. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claim Rejections – 35 U.S.C – 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (US Patent No. 6,658,415, Filing Date of Patent: April 28, 2000) in view of Levitt (US Publication No. 2002/0151327, Date of Patent: October 17, 2002).

Claims 1, 11 and 21:

Regarding claims 1, 11 and 21, Brown teaches a system for providing adaptive programming listings over a network (Figure 1, all features and column 4, lines 48-67, wherein adaptive content file, adaptive collaboration, adaptive filtering, and so forth is defined, Brown), comprising:

a customer entity (Figure 3B, diagrams 44, 46 and 48, Brown);

Brown discloses “a customer entity”. However, Brown is silent with respect to “a host system in communication with said customer entity via a communication network, said host system comprising a server, a database of available programming data, a database of customer preferences, and a database of program recommendation guides”.

On the other hand, **Levitt** disclose wherein “a host system in communication with said customer entity via a communications network said host system comprising a server (paragraph [0067], wherein this reads over “ the system may include one or more pieces of hardware including a handheld device, such as a PDA, one or more entertainment devices and a communication network that interconnects the various elements to the system, wherein the

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system may further include a personal computer that is connected to both the handheld device and the personal computer, wherein the system may further include a server system that is connected to the communication system and so forth", Levitt), a database of available programming data (paragraph [0069] and [0073], respectively, Levitt), a database of customer preferences (paragraph [0081], respectively, Levitt), and a database of program recommendation guides (SEE Figure 1a, all features, wherein its further defined in paragraphs [0066]-[0071], wherein it describes one or more pieces of user interface software, one or more databases and so forth, and [0082]-[0085], wherein it further defines the databases, and wherein the handheld device includes client software to managing the functionality and user interface for a variety of task, prioritizing content, recommendations, payment fees and so forth, respectively, which all corresponds and is equivalent to "a host system in communication with said customer entity via a communications network said host system comprising a server a database of available programming data, a database of customer preferences, and a database of program recommendation guides", Levitt); and

It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate Levitt teachings into Brown system. A skilled artisan would have been motivated to combine as suggest by Levitt [paragraph [0009] for establishing an enhance method of integrating a dynamic interactive directory of program content to improve the performance of the system.

a preference filtering system executing on said host system; wherein said preference filtering system performs:

gathering available programming data from said server (SEE Figure 6, all features and wherein diagram 182, wherein yes or no if authorization is received or not received, if yes, it filters data according to the user settings, transmits to requesting platform, and so forth, Brown, ALSO SEE paragraph [0021]-[0022], paragraph [0025] wherein this reads over" the system can

also include server software which performs certain task as collaborative filtering, search broader collection of programs, and related content, and updating media directories and generally exchanging/synchronizing both programs and data; and paragraphs [0073]-[0076], respectively, Levitt);

storing said available programming data in said database of available programming data (Figure 6, diagrams 198 and 200, Brown, ALSO SEE paragraph [0082], wherein a variety of information relating specifically to the user and generally to program content and user behavior is stored in various databases 54 as illustrated in Figure 1a, Levitt);

gathering program recommendation guides from third parties and storing said program recommendation guides in said database of program recommendation guides (column 6, lines 30-31, wherein all types of data may be stored in data storage and medium and column 10, lines 34-42, wherein a particular UCID includes a chaperone application 50 that responds to data received and requested from other data processing systems, including server system 80 and security system 33, wherein a chaperone application 50 provides analysis of products and services provided by server system 80 in view of authorization settings 42a-42n, user designated preferences 44, schedule 46, user profile 48, and other data stored according to the UCID, Brown, ALSO SEE paragraph [0096], [0205], and [0271], respectively, Levitt);

presenting a user interface to a customer entity along with said program recommendation guides (Figures 8A and 8B, all features, Brown, ALSO SEE Figures 4D and 4E and paragraph [0280], wherein the ability to control multiple devices and to monitor and store records of program browsing and selection activity, lets the system offer recommendations that user information from other services, Levitt);

receiving at least one selection from said program recommendation guides (column 10, lines 13-19, wherein child's UCID, i.e. universal communications identifier account would

receive a listing of products and services for the theme park that is transmittable to an authority at a remote computer system, Brown, ALSO SEE paragraph [0280], respectively, Levitt); and storing said at least one selection in said database of customer preferences (Figure 4, diagram 44, wherein it is stored in Figure 40, which is data storage medium, Brown, ALSO SEE paragraph [0290] and [0292], respectively, Levitt).

Claims 2 and 12:

Regarding claims 2 and 12, the combination of Brown in view of Levitt teaches receiving a request from said customer entity for an on-screen program listing (column 10, lines 13-19, wherein child's UCID, i.e. universal communications identifier account would receive a listing of products and services for the theme park that is transmittable to an authority at a remote computer system, Brown);

processing said request by comparing said at least one selection from said program recommendation guides as stored in said customer preference database to said available programming data (Figure 7A, all features, and wherein diagram 224, wherein comparing the authority-designated settings and user-designated preferences with the available content in the product and services, wherein for example the authority-designated settings and any user designated preferences are compared with the content of available television shows, diagram 226 transmits the authorized selection of product/services for the user to the user portable computer system, wherein diagram 228, a selection of advertisements from the advertising database according to authority-designated settings and user-designated preferences, and diagram 240, comparing the authority-designated setting with the content accessible via platform, next is authorized, and wherein access is authorized to a particular product/service or content if enabled by the authority designated settings, also see columns 14-15, lines 59-67 and lines 1-29, wherein the Figure 7 is further defined, Brown); and

presenting a filtered on-screen program listing to said customer entity resulting from said processing (Figure 6, all features, wherein the Figure is further defined in column 13, lines 43-48, if a request is received then the process passes to block 184, filtering the authority designated settings according to location, schedule, and user profile, wherein block 186 transmits the filtered authority-designated settings to the requesting platform, and the process passes to block 188, Brown).

Claims 3 and 13:

Regarding claims 3 and 13, the combination of Brown in view of Levitt teaches performing at least one of:

transmitting a program signal to said customer entity in response to a request to view a program listed on said filtered program listing (column 14, lines 10-22, wherein determination as to whether or not a request for a record of content access is received, and if the request is received, the process proceeds, and if the authority is included as an allowable authority then the process continues to proceed, transmitting a content access record according to the requesting authority to a requesting system, Brown); and

automatically signaling a personal recording device to record said program on behalf of said customer entity (column 9, lines 57-61, wherein if a parent designates authorization settings for television viewing for a child, then a recording of access to television stored according to the child UCID is preferably retrievable by parent and column 11, lines 4-11, wherein if an authority designated setting limits usage of the Internet for that day for that user to one hour and forty-five minutes of usage have been recorded then accountability application would limit usage of the Internet to fifteen more minutes and would then control transmission of a recording of time spent on the Internet to remote server system, Brown, ALSO SEE paragraph [0289]-[0290], respectively, Levitt).

Claims 4 and 14:

Regarding claims 4 and 14, the combination of Brown in view of Levitt teaches generating a custom program recommendation guide by said host system using said available programming data (Figure 3A, diagrams 90 and 92, wherein its further defined in column 8, lines 10-25, wherein services and product recommendation to a retailer staff may be determined from the authority-designated settings and user designated preferences and wherein output controller 92 controls distributions of services and product recommendation to output interfaces from among output interfaces 130a-130n that are accessible only by staff and column 9, lines 31-40, wherein the available programming data is defined such as budget preferences, location preferences, visual preferences, broadcast preferences, and etc, Brown) and storing said custom program recommendation guide in said database (column 8, lines 36-42, Brown).

Claims 5 and 15:

Regarding claims 5 and 15, the combination of Brown in view of Levitt teaches wherein said processing said request further includes:

deleting programs appearing on said program recommendation guides of programs to avoid from said filtered on-screen program listing (column 8, lines 39-49, wherein an authority may designate on a child's authority designated settings that a child **should not be shown** – is **equivalent** to deleting programs on said program recommendation guides, electronic advertising for cigarettes, and wherein the PDA would determine alternative types of electronic advertising that do not include cigarettes when the presence of the child is detected within a particular proximity even if the child has a programmed a preference for cigarettes, Brown);

retaining any programs appearing on said program recommendation guides that contain recommended programs on said customer's filtered on-screen program listing (column 15, lines 46-53, wherein a television that receives authority designated settings and user-designated settings for the child will first select television programs that are rated PG or lower an last an

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hour or less, then the television will further filter that selection to highlight cartoons, wherein filter by selection is interpreted to be hiding all the data you do not want to see so that you can display the records with which you want to work, Brown); and

handling programs not otherwise dealt with by said program recommendation guides in accordance with instructions provided by said customer entity (column 10, lines 1-9, wherein a television authority-designated settings may restrict a child from watching television that is rated higher than PG, however a special is coming on television that is rated PG-17, that the child request to watch based on educational value, the child request is transmitted to a parents computer at work where the parent designates a one-time authorization to the child UCID account, Brown).

Claims 6 and 16:

Regarding claims 6 and 16, the combination of Brown in view of Levitt teaches wherein said third parties include external sources comprising at least one of:

- a film institute;
- a magazine (Figure 8A, wherein a books is defined);
- a religious organization;
- a topical web site;
- a video store; and
- a commercial business (column 7, line 32-33, wherein a video commercial of a new movie time is defined).

Claims 7 and 17:

Regarding claims 7 and 17, the combination of Brown in view of Levitt teaches wherein said customer entity comprises at least one of:

- a telephone;
- a mobile communications device;

a television (column 15, lines 49, wherein television is defined, Brown, ALSO SEE paragraph [0285], respectively, Levitt);

a set top box;

a personal recording device (paragraph [0213] and [0242], respectively, Levitt); and

a personal computer.

Claims 8 and 18:

Regarding claims 8 and 18, the combination of Brown in view of Levitt teaches wherein said presenting a filtered on-screen program listing to said customer entity resulting from said processing further includes presenting a filtered on-screen program listing in accordance with an access level granted to an account member, said access level extending or limiting access to view program listings (Figure 8A, diagram 260, all features, Brown).

Claims 9 and 19:

Regarding claims 9 and 19, the combination of Brown in view of Levitt teaches wherein said transmitting a program signal to said customer entity in response to a request to view a program further includes transmitting said program signal in accordance with an access level granted to an account member, said access level extending or limiting access to view a program (columns 9-10, lines 62-67 and lines 1-9, wherein user may transmit a request to an authority at a data processing system that is accessible to the authority, the authority may designate a one-time access, multiple accesses or change authority-designated settings remotely and transmit the designations to a particular UCID account, wherein for example, a television authority-designated setting may restrict a child from watching television that is rated higher than PG, however a special is coming on television that is rated PG-17 that the child requests to watch based on educational value, the child's request may be transmitted to a parent's computer at work where the parent designates a one-time authorization for the show and transmits the authorization to the child's UCID account and column 15, lines 49-54, wherein a parent, A has

set a television setting of access only to PG or less and access for one hour daily and every television that is accessible to the child is only accessible according to the authority-designated setting, Brown).

Claims 10 and 20:

Regarding claims 10 and 20, the combination of Brown in view of Levitt teaches wherein said automatically signaling a personal recording device to record said program on behalf of said customer entity further includes signaling said personal recording device in accordance with an access level granted to an account member, said access level extending or limiting access to record a program or view an already recorded program (Figure 8C, all features, wherein further defined in column 15, lines 54-67, wherein listing of authorities and passwords in order to access recorded authorization, denial of authorization and location, i.e. if applicable, wherein the example, Sylvia is parent A and has designated a list of authorities for the child including herself, parent B, library A, and babysitter A; Parent A is preferably given access to all data in the child's authorization record according to graphical indicator 226 which is only design a table by parent A, while other authorities are only allowed access to particular records, wherein addition, any authority-designated settings, which contradict those set by parent A, are overridden, however, parent B is not given access to all data in the child's authorization record, however may access authorization records that are a result of the authority-designated settings by parent B; for example, a record of radio listening is recorded in data storage structure 224 in association with the authority-designated setting by parent B in data storage structure 220 of radio access to classical or oldies radio stations only, Brown).

Claim 22:

Regarding 22, the combination of Brown in view of Levitt teaches a link to at least one external database storing a program recommendation guide (Figure 6, diagram 190 and 194, wherein storing authorization of record according to authority is illustrated, Brown, ALSO SEE

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paragraph [0011], wherein external databases is defined, Levitt).

Claim 23:

Regarding 23, the combination of Brown in view of Levitt teaches wherein said customer entity comprises at least one of a:

television (column 15, lines 49, wherein television is defined, Brown);
a personal recording device (column 15, lines 54-57, Brown);
a telephone;
a set-top box;
a personal computer (paragraph [0067], wherein it defines a personal computer, Levitt);
and
a personal digital assistant (paragraph [0067], wherein it defines a personal computer, Levitt).

Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown et al.	US Patent No. 6,658,415
Kurapati et al.	US Patent No. 7,035,863
Youman et al.	US Patent No. 5,629,733
Levitt	US Publication No. 2002/0151327
Shen et al	US Patent No. 6,401,059

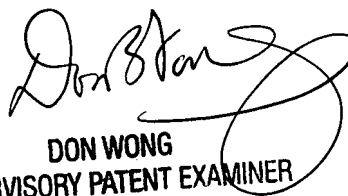
Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HRR
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April 18, 2007


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